

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

## SENTENCING MINUTE SHEET

CR No.	19-4440-MV	USA vs.	Phillips						
Date:	November 10, 2021	Name of Deft:	Nicholous Phillips						
Before the Honorable		Martha Vázquez							
Time In/Out:	9:30 a.m / 11:25 a.m.		Total Time in Court (for JS10):	1 hour. 55 minutes					
Clerk:	Linda Romero		Court Reporter:	Carmela McAlister					
AUSA:	Jaymie Roybal		Defendant's Counsel:	Joe Romero, Jr.					
Sentencing in:	Santa Fe, New Mexico		Interpreter:						
Probation Officer:	Ana Ortiz y Martinez		Sworn?		Yes	No			
Convicted on:	<input checked="" type="checkbox"/>	Plea	Verdict	As to:	<input type="checkbox"/>	Information	<input checked="" type="checkbox"/>	Indictment	
If Plea:	<input checked="" type="checkbox"/>	Accepted	Not Accepted	Adjudged/Found Guilty on Counts:	<b>Counts 1 and 2</b>				
If Plea Agreement:		Accepted	Not Accepted	<input checked="" type="checkbox"/>	No Plea Agreement	Comments:			
Date of Plea/Verdict:	6/27/20			PSR:		Not Disputed	<input checked="" type="checkbox"/>	Disputed	
PSR:	<input checked="" type="checkbox"/>	Court Adopts PSR Findings		Evidentiary Hearing:	<input checked="" type="checkbox"/>	Not Needed		Needed	
Exceptions to PSR:									
<b>SENTENCE IMPOSED</b>			Imprisonment (BOP): 60 months as to Count 1, mandatory minimum of 120 months as to Count 2, to be run concurrently with each other, for a total term of imprisonment of 120 months						
Supervised Release:		3 years as to Count 1, 5 years as to Count 2, to be run concurrently		Probation:		<input checked="" type="checkbox"/>	500-Hour Drug Program		
	Court recommends ICE begin removal proceedings immediately or during service of sentence							ICE not applicable	
<b>SPECIAL CONDITIONS OF SUPERVISION</b>									
<input checked="" type="checkbox"/>	Substance abuse testing (up to 60 tests per year)				Community service for	months	days		
<input checked="" type="checkbox"/>	Substance abuse treatment program (waive confidentiality)			<input checked="" type="checkbox"/>	Reside residential reentry center up to 6 months				
<input checked="" type="checkbox"/>	Mental health treatment program (waive confidentiality)				Register as sex offender				
<input checked="" type="checkbox"/>	No alcohol/intoxicants (up to 4 tests per day)				Participate in sex offender treatment program				
<input checked="" type="checkbox"/>	Submit to search of person/property				Possess no sexual material				
	No contact with victim(s) and/or co-Deft(s)				No computer with access to online services				
	No entering, or loitering near, victim's residence				No contact with children under 18 years				
	Provide financial information				No volunteering where children supervised				
	Grant limited waiver of confidentiality				Restricted from occupation with access to children				
<input checked="" type="checkbox"/>	No psychoactive substances				No loitering within 100 feet of school yards				
<input checked="" type="checkbox"/>	OTHER: Take all prescribed mental health medications.								
Fine:	\$ <b>0</b>				Restitution:	\$ <b>0</b>			
SPA:	\$ 200	(\$100 as to each Count)			Payment Schedule:	<input checked="" type="checkbox"/>	Due Imm.		Waived
OTHER:									
<input checked="" type="checkbox"/>	Advised of Right to Appeal			Waived Appeal Rights per Plea Agreement					
<input checked="" type="checkbox"/>	Held in Custody			Voluntary Surrender					
<input checked="" type="checkbox"/>	Recommended place(s) of incarceration:			FCI El Reno, Oklahoma or Ft. Leavenworth, Kansas - The Court recommends that the Bureau of Prisons assign Mr. Phillips a Care Level 3 Mental Health designation. Court requests that defendant's current medications list be provided to the BOP. Court requests that the defendant remain at Santa Fe County Detention Center until he is transported to the BOP.					

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	Dismissed Counts:
OTHER COMMENTS	Court addresses parties and reviews documents she has reviewed in preparation for sentencing. Defense counsel addresses Court requesting that the defendant be allowed to withdraw from his plea agreement. Government counsel responds. Court advises that she had been prepared to reject the plea agreement and will allow the defendant to proceed to sentencing, maintaining his guilty plea but withdrawing from the plea agreement. Defense counsel addresses Court. Defendant addresses Court. Government counsel addresses Court. Special Agent Samuel Supnik addresses Court. Probation Officer Amy Gee addresses Court. Court addresses defendant and imposes sentence.